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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,732	02/27/2001	Wilhelmus Gerardus Petrus Mooij	82032-0005	9900

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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/763,732

Applicant(s)

MOOIJ ET AL.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02 December 2004 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In response to communications filed on 12/02/2004, applicant has amended claims 1, 3, 6, 10, and 15. The following claims 1-15 are presented for examination.
2. The amendments to the specification, page 3, filed on 12/02/2004 have been considered and the objection to the abstract has been withdrawn. The objection to the drawings has been withdrawn with respect to the amended drawing. The 35 USC 112 rejection to claim 15 has been withdrawn with respect to the amended claims.
3. Applicant's arguments, pages 8-12, filed on 12/02/2004, with respect to the rejection of claims 1-15 have been fully considered, and they are persuasive as amended. Shear does not explicitly disclose protected contents containing encrypted data and secure device data since many of the details in the disclosure are incorporated into Ginter et al patent. Upon further consideration, a new ground of rejection is made. Claims 1-15 are now rejected under 35 USC 103(a) in view of Shear and Santon. The rejection of the dependent claims not challenged by applicant still applies in this office action.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1 **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,157,721 to **Shear et al** in view of US Patent 5,058,162 to **Santon et al**.

4.2 **As per claims 3 and 10, Shear et al.** discloses a method and system for decrypting encrypted data in a content player, comprising an input for receiving encrypted data containing encrypted contents, secure device data, information on a protocol for communication between the content player and a secure device, for example (see column 8, lines 14-67 and column 20, lines 25-36), and attribute data on the different parts inside the protected contents, a decryption device and a control device, wherein the control device is programmed to use said protocol information to establish a communication interface between the decryption device and a secure device used with the content player, for example (see column 13, line 50 through column 14, line 5 and column 14, lines 39-60), wherein the decryption device is suitable for communicating with the secure device as controlled by the protocol information to obtain information required to decrypt the encrypted data, for example (see column 14, lines 49-60 and column 16, lines 51-63). **Shear et al.** discloses a protected processing environment that decrypts data that meets the

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recitation of a decrypting device and also discloses a SPU that can perform encryption and decryption as a decrypting device. **Shear et al.** does not explicitly disclose the protecting contents contain encrypted data, secure device data, information on a protocol together. **Santon et al** in an analogous art discloses a distributor for providing protected contents containing secure device data, information on a protocol for communication between the content player and a secure device that meets the recitation of media device (column 2, lines 12-20 and column 2, line 53 through column 3, line 3) wherein said secure device data comprises information required to decrypt the encrypted data (column 2, lines 12-20) and wherein the attribute data comprises information to find in the protected contents the appropriate protocol for communication between the content player and the secure device for retrieving the information to decrypt the encrypted data (column 3, lines 20-45) wherein the media reading device that meets the recitation of control device is programmed to use the attribute information to use the attribute data to find the appropriate protocol information to establish a communication interface between the decryption device and a secure device used with the content player (column 2, lines 12-20 and column 2, line 53 through column 3, line 3), wherein the decryption device is suitable for communicating with the secure device as controlled by the protocol information to obtain information required to decrypt the encrypted data, for example (see column 7, lines 32-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system of **Shear** to provide protected contents containing secure device data, information on a protocol for communication between the content player and a secure device as taught by **Santon et al.** This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Santon et al** so as to allow access

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to selected sets of data to plurality of users based on predetermined criteria while maintaining security (see column 3, lines 20-45).

**Claims 1 and 15** recite similar limitations as claims 3 and 10 except for implementing the invention in encryption mode, which is the reverse of the decryption steps of claims 3 and 10. It would have been obvious to one skilled in the art to make such modification because it requires routine skilled in the art to change encryption to decryption or vice-versa. For example Santon discloses that the decryption device implements the same method as the encryption device. Claim 15 also recites broadcastin the protected contents. Shear discloses content distribution by broadcasting, also protected content over the Internet instead of in a media is very well known. Therefore, **claims 1 and 15** are rejected on the same rationale as the rejection of claims 3 and 10.

**As per claim 2**, **Shear et al.** discloses the limitation of wherein said protection device provides at least one secure device applet containing said information on a protocol for communication, for example (see column 3, lines 15-35 and column 5, lines 25-67 and column 8, lines 14-50).

**As per claims 4 and 11**, **Shear et al.** discloses the limitation of wherein said protocol information is provided as a secure device applet, wherein the control device is programmed to operate as a virtual machine to execute the secure device applet to establish said communication interface, for example (see column 3, lines 15-35 and column 5, lines 25-67).

**As per claim 5, Shear et al.** discloses the limitation of wherein at least one secure device applet in the protected contents is authenticated, wherein the control device comprises an applet loader for verifying the authentication of a secure device applet, wherein only a verified secure device applet is loaded into the virtual machine, for example (see column 5, line 25 through column 6, line 15 and column 20, lines 26-57).

**As per claim 6, Shear et al.** discloses the limitation of wherein at least one secure device applet in the protected contents is encrypted, wherein the applet loader is adapted to decrypt an encrypted secure device applet, for example (see column 20, lines 1-25).

**As per claim 7, Shear et al.** discloses the limitation of using a separate communication path for secure data, which is disclosed in detail in Ginter et al. patent and also discloses open communication that can be used for less secure data transmission that meets the recitation of wherein the virtual machine comprises a content player application program interface and a security application program interface, the secure device applet communicating with the content player and the secure device by means of said interfaces, for example (see column 4, lines 22-50 and column 18, lines 4-40; see also column 8, lines 40-67).

**As per claims 8 and 12, Shear et al.** discloses the limitation of wherein the control device is arranged to determine the type of secure device used in the system/player, wherein the control device is arranged to retrieve a secure device applet from the protected contents

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corresponding with the type of secure device, for example (see column 16, lines 37-44 and column 18, line 32 through column 19, line 32; see also column 20, line 26 through column 21, line 7).

**As per claims 9 and 13, Shear et al.** discloses the limitation of wherein the system is part of a content player connected to a network, wherein the control device is arranged to determine the type of secure device used in the system, and wherein the control device is arranged to request a corresponding secure device applet to be downloaded from a service provider, for example (see column 16, lines 37-44; and column 18, line 32 through column 19, line 32; see also column 20, line 26 through column 21, line 7).

**As per claim 14, Shear et al.** discloses the limitation of wherein said protocol information or secure device applet is authenticated, further comprising verifying the authentication, and using only verified protocol information or a verified secure device applet to establish said communication interface, for example (see column 5, line 25 through column 6, line 15 and column 20, lines 26-57).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

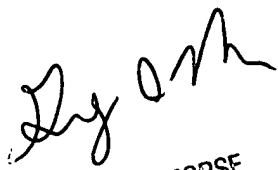
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cc

Carl Colin

Patent Examiner

March 1, 2005

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
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